

JURISDICTION:

General Reference:

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This chapter summarizes Louisiana State statutes related to speed.
West's Louisiana Statutes Annotated: Revised Statutes Note:
Citations are to the Revised Statutes unless otherwise stated.

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and potential hazards then existing, having due regard for the traffic on, and the surface and width of, the highway, and the condition of the weather. 32:64(A)

Statutory Speed Limit:

70 MPH on interstate and controlled access highways¹ 32:61(B) & 32:62(A)

65 MPH on other multi-lane divided highways which have partial or no control of access¹ 32:61(B) & 32:62(A)

See Other below.

55 MPH on other highways¹ 32:61(A) & 32:62(A)

Posted (Maximum) Speed Limit:

I. Base on engineering and traffic investigations, the State may increase or decrease the above speed limits.² 32:63(A)

Legislative Requests. I. The Louisiana Legislature has requested that the State Department of Transportation and Development "increase the speed limit on Louisiana Highway 23 in Plaquemines Parish on those sections of highway which are outside of the towns and only in those sections in which there are four-lane areas of roadway." House Concurrent Resolution 136 adopted in 1997 Note: The legislature did not recommend a speed limit.

II. The Louisiana Legislature has requested that the State Department of Transportation and Development increase the speed limit on Interstate Highway 55 between Pontchatoula and LaPlace from 60 MPH to 70 MPH. House Concurrent Resolution 130 adopted in 1999

Legislative Directive. The Louisiana Legislature has directed that the State Department of Transportation and Development lower the speed limit to 45 MPH on Louisiana Highway 964 from its intersection with Louisiana Highway 61 to the East Baton Rouge Parish line. Senate Concurrent Resolution 52 adopted in 1999

II. The State can promulgate regulations regulating speed on Louisiana expressways. 48:1272

III. Local governments are authorized to establish speed limits or speed zones. However, no speed limit shall be established in excess of the above maximum limits. 32:41(A)(9), 32:42 & 40:403

Minimum Speed Limit:

I. No person shall operate a motor vehicle at a such a slow speed as to impede the normal and reasonable movement of traffic. 32:64(B)

Basis for a Speed Law Violation: (continued)

Minimum Speed Limit: (continued)

II. A person, who is operating a motor vehicle on a multilane highway

St. Tammany Parish & Adjacent Areas. The following speed limits apply in St. Tammany Parish and adjacent areas when, due to fog, visibility is $\leq 1,000$ feet: I 55) MPH from the intersection of Interstates 10, 12 and 59 west to Louisiana Highway 433 (Old Spanish Trail); 45 MPH west from the intersection of Interstate 10 to Louisiana Highway 433 to the north shore foot of the Interstate 10 bridge that crosses Lake Pontchartrain; 35 MPH west from the north shore foot of the Interstate 10 bridge that crosses Lake Pontchartrain to one (1) mile south of the foot bridge on the south shore. 32:63.1(A)

Note: Louisiana law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

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at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic. 32:71(B)(1)

III. A person, who is operating a motor vehicle on a multilane highway at a speed slower than 10 MPH than the posted speed limit, shall drive in the right hand lane then available for traffic or as close as practicable to the right hand curb or edge of the roadway. 32:71(B)(2)

Posted (Minimum) Speed Limit:

Base on engineering and traffic investigations, the State may establish a minimum speed limit on any highway. 32:63(B)

Other:

I. No person shall operate a freight carrying vehicle upon an interstate highway >60 MPH. 32:62(A)(2)

II. No person shall tow a mobile home at a speed >45 MPH.³ The State is authorized to increase this limit. 32:62(B)

III. Except for tow trucks, no person shall tow a vehicle at a speed >45 MPH. 32:62(C)

IV. No person shall operate a school bus, which is carrying children, at a speed >55 MPH.⁴ 32:62(D)

V. A vehicle carrying a precast fiberglass swimming pool shall not be operated at a speed >45 MPH. 32:387.3(A)

VI. A person shall not operate a log loader at a speed >40 MPH. 47:502.1(B)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. 14:2(4) & (6), 14:57(A) and Code of Criminal Procedure, Article 933

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

1st offense-Not more than **30 days** Subsequent offense-Not more than **90 days** 32:57(A) & 47:502.1(B)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

1st offense-Not more than **\$175**⁵ Subsequent offense-Not more than **\$500** 32:57(A) & 47:502.1(B)

Mandatory Min. Fine (\$):

None

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

If the mobile home is either (1) ≥15 feet but ≤30 feet and is equipped with brakes or (2) <15 feet and is not equipped with brakes, it may be towed at a speed ≤55 MPH between sunrise and sunset and ≤50 MPH between sunset and sunrise. 32:62(B)

However, if the school bus is making frequent stops discharging children, it cannot be operated at a speed >35 MPH. 32:62(D)

For persons, who operate a log loader in excess of 40 MPH, the fine for a 1st offense is not more than \$100. 47:502.1(B) In all other respects, the sanctions for these are the same as for other speeding violations.

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Other Penalties:

Traffic School:

An offender may be required to attend a driver education, training or improvement program.⁶ Code of Criminal Procedure, Article 892.1

Other:

A fee of **\$5** is assessed for the purpose of funding the Traumatic Head and Spinal Cord Injury Trust Fund. 46:2633

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension, Revocation or Cancellation⁷ 32:414(E)(3) & (4)

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than **1 year** 32:414(F)(2)

Mandatory Minimum Term of

Withdrawal:

None⁸

Miscellaneous Sanctions

Not Included Elsewhere:

A person, who violates the speed limits on Louisiana expressways established via regulations promulgated under separate statutory authority, is subject to imprisonment for not more than 90 days and/or a fine of not more than \$200. 48:1272(A)

Other Criminal Actions Related to Speeding:

Drag Racing or Racing on the Highway:

Misdemeanor 14:2(4) & (6), 14:32.1(B), 32:65 and Code of Criminal Procedure, Article 933

Sanctions:

Criminal Sanction:

Imprisonment (Term):

1st offense-Not more than **30 days** Subsequent offense-Not more than **90 days** 32:57(A)

Mandatory Minimum Term:

None

Fine (\$ Range):

1st offense-Not more than **\$175** Subsequent offense-Not more than **\$500** 32:57(A)

Mandatory Minimum Fine:

None

Other Criminal Actions Related to Speeding:

(continued)

Drag Racing or Racing on the Highway: (continued)

Administrative Licensing Action:

. The court may suspend the sentence of 1st offenders (misdemeanor offenders under Title 32) and order them to attend this program. Upon completion of the program, the offender's conviction may be set aside. Code of Criminal Procedure, Article 892.1(B) & (C) II. For either 1st or subsequent offenders, the court may defer proceeding against an offender to participate in this program provided the following conditions are satisfied: (1) The offender pleads either *nolo contendere* or guilty to the charge; (2) the offender has not participated in such a program within 2 years; and, (3) the offense did not involve exceeding the posted speed limit by 25 MPH or more. Code of Criminal Procedure, Article 892.1(E) Upon completion of the course, the court sets aside the conviction. However, the court can only set aside one charge for each course completed. Code of Criminal Procedure, Article 892.1(H)

The licensing agency is authorized to either suspend, revoke or cancel a person's license upon a showing either (1) that the person has been convicted (or forfeited bail) on traffic offenses with such a frequency that there is an indication that they have a disrespect for the traffic law or (2) they are an habitually reckless or negligent driver. 32:414(G)

A person, who has had their license either suspended, revoked or cancelled for the first time, may apply for driving privileges based on economic hardship. I.e., that the offender's driving privileges would deprive the offender from earning a living. 32:415.1(A)

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Licensing Authorized and
Type of Action:
Length of Term of
Licensing Withdrawal:
Mandatory Action--Minimum
Length of License
Withdrawal:

Other:

Reckless Vehicle Operation⁹:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term
of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Other:

Careless Vehicle Operation⁹:

Sanction:

Criminal:

Imprisonment (Term):

Other Criminal Actions Related to Speeding: (continued)

Careless Vehicle Operation: (continued)

Mandatory Minimum Term
of Imprisonment:

Suspension, Revocation or Cancellation⁷ 32:414(E)(3) & (4)

Not more than **1 year** 32:414(F)(2)

None⁸

An offender may be required to attend a driver education, training or improvement program.⁶ Code of Criminal Procedure, Article 892.1

Misdemeanor 14:2(4) & (6), 14:32.1(B), 14:99 and Code of Criminal Procedure, Article 933

1st offense-Not more than **90 days** Subsequent offense-**10 days to 6 months** 14:99

None

1st offense-Not more than **\$200** Subsequent offense-**\$25 to \$500** 14:99

None

Suspension, Revocation or Cancellation⁷ 32:414(E)(3) & (4)
Revocation for 3 offenses within 12 months 32:414(B)(5)

Not more than **1 year** 32:414(F)(2)

None⁸

I. An offender may be required to attend a driver education, training or improvement program.⁶ Code of Criminal Procedure, Article 892.1

II. A fee of **\$5** is assessed for the purpose of funding the Traumatic Head and Spinal Cord Injury Trust Fund. 46:2633

Misdemeanor 14:2(4) & (6), 14:32.1(B), 32:58 and Code of Criminal Procedure, Article 933

1st offense-Not more than **30 days** Subsequent offense-Not more than **90 days** 32:57(A)

Reckless operation of a vehicle is defined as driving in a criminally negligent or reckless manner. 14:99. Whereas, careless operation of a vehicle means driving danger the life, limb, or property of any person. 32:58

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Fine (\$ Range):	<u>1st offense</u> -Not more than \$175 <u>Subsequent offense</u> -Not more than \$500 32:57(A)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action	
(Susp/Rev):	Suspension, Revocation or Cancellation ⁷ 32:414(E)(3) & (4)
Length of Term of License	
Withdrawal Action:	Not more than 1 year 32:414(F)(2)
Mandatory Term of License	
Withdrawal Action:	None ⁸
Other:	An offender may be required to attend a driver education, training or improvement program. ⁶ Code of Criminal Procedure, Article 892.1

Commercial Motor Vehicle (CMV) Operators¹⁰:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" ¹¹ within a 3 year period or (2) commit 3 such violations within a 3 year period. 32:414.2(5)
<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)-Not less than 120 days 32:414.2(5)
<u>Period of Mandatory Disqualification:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days 32:414.2(5)

A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. 32:401(5)

A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. 32:414.2(A)(d)

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